

It may be that Pitt and Popham did not hear the word "not" used by Warren in replying to the inquiry that Pitt made, and that is the reason that there was a misunderstanding.

There were some slight discrepancies in the evidence of Loring as taken on his examination for discovery and that given at the trial, and there is also a slight discrepancy between Warren's evidence and that of Gzowski given at the trial, shewing that each was giving his independent recollection of what took place. For instance, Gzowski said that when Warren told them (Gzowski and Loring) that Pitt wanted 100,000 shares at 10 cents, there was a pause in the conversation, and Warren put his hand over the mouth of the receiver. Warren said he had not done so. That is an act he might have forgotten. I was impressed with the manner in which Gzowski gave his evidence and think he was correct in the statement that Warren did put his hand over the receiver at the time stated.

Loring's evidence was to the effect that Warren, while at the telephone, told Gzowski and him that Pitt wanted 100,000 shares at 10 cents, but he did not fully understand the telephoning until it was explained to him. But he said, in answer to question 24 on his examination for discovery, that he immediately vetoed the proposition and gave his reasons therefor.

Mr. Henderson put in questions 23, 24, and 26 of Loring's examination for discovery, and Mr. Arnoldi put in question 22, which explained that he heard of Pitt's proposition at the time of the telephoning; and he says in answer to question 50 that he did not then understand the exact nature of the proposition.

Counsel for the plaintiff urged that the plaintiff and his friends were going to the Montreal River because of the plaintiff's supposed interest by having 100,000 shares in the Otisse mine, when Warren and Loring were going there on 21st September. But the plaintiff during his evidence said he had contemplated going to the Montreal River, and there was therefore an incentive to his going there immediately when informed of the intention of Warren and Loring to visit the Otisse mine in that vicinity.

There was unquestionably an effort made by Pitt while on the boat going to the village of Smyth to induce Warren to give him the 100,000 shares at 10 cents, for on his exam-